

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY ARENDT,

Plaintiff,

v.

A.W. CHESTERTON, a corporation; CBS
CORPORATION, a corporation;
GARLOCK SEALING TECHNOLOGIES,
LLC, a corporation; GENERAL ELECTRIC
COMPANY, a corporation; OWENS-
ILLINOIS, INC., a corporation; and
RAPID-AMERICAN CORPORATION, a
corporation,

Defendants.

In Re Asbestos Litigation MDL 875

Case No. 2:09-CV-91900-ER

**DEFENDANT RAPID-AMERICAN CORPORATION'S NOTICE OF MOTION AND
MOTION TO DISMISS**

NOW COMES the defendant, Rapid-American Corporation ("Rapid"), by its attorneys, MENN LAW FIRM, LTD., and hereby moves the Court as follows:

To dismiss the above-captioned action against Rapid because the plaintiff has failed to serve Rapid within 120 days after filing the complaint as required by Fed. R. Civ. Pro. 4(m). This brief is supported by the accompanying brief and affidavit of Mark R. Feldmann.

NOTICE OF MOTION

To: All Counsel (Certificate of Service)

PLEASE TAKE NOTICE that the undersigned will bring the above motion on for hearing, if such hearing is determined necessary by the Court, on the date, and at the time as set by the Court.

Dated this 29th day of January, 2010.

MENN LAW FIRM, LTD.
Attorneys for the Defendant,
Rapid-American Corporation

BY: /S/MARK R. FELDMANN
Mark R. Feldmann
State Bar No. 1017847

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